

ORDINANCE NO. 15- 137

**AN ORDINANCE AMENDING CHAPTER 6 OF THE ROGERS CITY CODE  
CONCERNING ANIMALS; PROVIDING FOR THE EMERGENCY CLAUSE AND  
FOR OTHER PURPOSES.**

**WHEREAS**, the language in the Rogers City Code providing Animals needs to be amended to better clarify the intent of the City Council; and

**WHEREAS**, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is clear, unambiguous, and accurately reflects state and local laws.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That Chapter 6 of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read in its entirety as shown in the attached Exhibit "A" (attached hereto and incorporated by reference as if set out word for word herein).

Section 2: That the need to amend said City Code chapter is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 13th day of October, 2015.

APPROVED:

  
C, GREG HINES,  
Mayor

Attest:

  
PEGGY DAVID, City Clerk



Prepared by: Chris Griffin, Senior Staff Attorney

## EXHIBIT "A"

## Chapter 6 - ANIMALS

## FOOTNOTE(S):

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Editor's note—Ord. No. 13-67, § 1(Att.), adopted Aug. 13, 2013, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6 pertained to similar subject matter, and derived from Code 1982; Ord. No. 95-75, 7-25-1995; Code 1997; Ord. No. 03-71, 8-26-2003; Ord. No. 04-94, 8-10-2004; Ord. No. 06-100, 6-13-2006; Ord. No. 06-101, 6-13-2006; Ord. No. 07-33, 3-13-2007; Ord. No. 07-112, 8-14-2007; Ord. No. 07-152, 11-13-2007; Exec. Order No. 08-01, 1-29-2008.

State Law reference—Animals in cities generally, A.C.A. §§ 14-54-103, 14-54-1101 et seq.; cruelty to animals, A.C.A. §§ 5-62-101, 14-54-103(7); authority of city to define, prevent and abate nuisances, A.C.A. § 14-54-104(4); livestock, A.C.A. § 2-32-101 et seq.

## ARTICLE I. - IN GENERAL

**Sec. 6-1. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means to desert, surrender, forsake, or to give up absolutely;

Altered Animal shall mean that an animal has been spayed or neutered;

Animal means any living vertebrate creature except human beings and fish;

Animal Control Services means the officers of City of Rogers Animal Services and the officers of the City of Rogers Police Department;

Animal Control Officer means an officer employed by or under contract with the City of Rogers that is responsible for animal control operations in the City of Rogers;

Animal Running At Large means an animal off the premises of the owner, or off the premises of any person having charge of an animal, and not under the control of the owner or person in charge, or a member of his immediate family, by leash, cord, chain, or otherwise.

Commercial Animal Business means a commercially operated business that deals in animal and animal related services. These are to include, but are not limited to, pet shops, grooming facilities, boarding facilities, and veterinary services.

Humane Manner means care of an animal to include but not be limited to adequate heat, ventilation, and sanitary shelter consisting of a structure with a floor, four walls, roof, and an entrance, wholesome food, and access to fresh water at all times. Veterinary care must be provided for any animal with an injury or condition which causes it suffering.

Innately Wild Animals shall mean lions, tigers, cougars, leopards, panthers, bears, wolves, and other nondomestic animals of an untamable disposition notwithstanding that their natural wildness may be intermittently dormant as the wildness is likely to be awakened at any time,

suddenly and unexpectedly. Further, failure to specifically list any animal in this definition shall not preclude such animal from being deemed an innately wild and nondomestic animal of untamable disposition.

Microchipped means to implant an animal with a microchip tag linked to a national computer network for purposes of identification.

Nuisance means an animal that damages, soils, defiles, or defecates on private property other than the owner's or public walks and recreation areas unless the owner or the person in control of the animal immediately removes the feces and disposes of it in the proper manner; causes unsanitary or offensive conditions; causes a disturbance by excessive barking or other noisemaking; molests, attacks, or interferes with persons on private property or in the public right-of-way; chases vehicles or attacks domestic animals.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, has it in his care, acts as its custodian, or knowingly permits it to remain on or about any premises occupied by him.

Physical Control means being within an enclosed area of sufficient quality and structure to secure the animal, or secured inside of a residence, or on a leash or chain.

Private Breeder Permit means any household that has two or more unaltered pets, one male, one female, of the same species, for the purpose of breeding the pets.

Unaltered Animal means that the animal is still intact, and has not been spayed or neutered.

Vicious Animal means any animal that bites or attempts to bite indiscriminately, or has been involved in more than one biting incident, and is a potential danger to the public. This term shall not be construed to include dogs that are part of a governmental operation nor a trained guard dog in performance of his duties while confined to the property of the owner or person in charge.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Similar provisions, A.C.A. § 5-62-102

#### **Sec. 6-2. - Penalty.**

- (a) Violation of any provision of this chapter shall be punishable by a fine up to the amount of \$500.00.
- (b) The owner of an animal which has been impounded has five working days from date of reclamation to obtain a valid current rabies vaccination and city license. If the owner fails to comply with this provision, it shall constitute a separate violation and be subject to the penalty contained in part (a) of this section.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Power of political subdivisions not limited- Applicability, A.C.A. § 20-19-303

#### **Sec. 6-3. - City of Rogers Animal Control Authority**

- (a) A department to be known as Rogers Animal Services is hereby created.

(b) The Director of Rogers Animal Services shall be appointed by the mayor.

(c) Powers and duties generally.

- (1) Rogers Animal Services shall catch and then dispose of stray animals found within the city and shall exercise such other duties and responsibilities relating to animals found running at large as have been or shall be imposed on the police department.
- (2) Rogers Animal Services shall have the power to issue citations to the owners of the animals violating any of the provisions of this chapter and to summons such persons to appear in the municipal court for such violations.
- (3) Rogers Animal Services shall be responsible for the operations of the Rogers Animal Shelter, and any other duties as may be assigned from time to time by the Mayor.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Power of political subdivisions not limited- Applicability, A.C.A. § 20-19-303

**Sec. 6-4. - Records.**

It shall be the duty of Rogers Animal Services to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the city, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the city and shall be audited by the city annually in the same manner as other city records are audited.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Annual audit of city's financial affairs, A.C.A. § 14-58-307.

**Sec. 6-5. - Physical control.**

All dogs must be under the physical control of their owner at all times. Any animal found running at large off the premises of any person having charge of that animal may be impounded by an animal control officer. If the animal is impounded it must be claimed at the shelter, and a fee must be paid as set forth in Appendix B of this code. Any owner who fails to claim an impounded animal within six days will be deemed to be in violation of this code and subject to the penalty as defined in section 6-2 (a).

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-6. - Burying dead animals.**

No person shall bury any dead animal within the city.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Cremation of dead animals, A.C.A. § 2-40-302.

**Sec. 6-7. - Possession, maintenance, keeping of innately wild and nondomestic animals.**

- (a) Prohibition. The possession, maintenance, or keeping of innately wild animals within the city is hereby prohibited and forbidden. The enforcement of the provisions in this section shall be the responsibility of the police department and animal control officers.
- (b) Exceptions. This section shall not apply to any zoo, circus, or sanctuary complying with applicable laws and regulations that are keeping innately wild animals for the education and entertainment of the public.
- (c) Dogs duly licensed and vaccinated. No provision of this section shall apply to dogs duly

licensed and vaccinated.

- (d) Penalty. Any person possessing, maintaining or keeping innately wild animals in the city in violation of this section shall be subject to the penalty as defined in section 6-2 (a).

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-8. - Sale of domestic animals restricted.**

The sale, offer for sale, display, or advertisement for sale of domestic animals is hereby forbidden along the rights-of-way of streets and roadways in the city. The term "domestic animals" shall include, but not be limited to, the following:

- (1) Dogs;
- (2) Cats;
- (3) Rabbits;
- (4) Birds of all kinds.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-9. - Animal waste prohibited.**

(a) The owner of an animal shall be responsible for the removal of any waste/excrement deposited by their animal(s) on public walks, recreation areas, public parks, or private property.

(b) Failure to remove animal waste/excrement in a sanitary manner (plastic bags or scooping device), under the conditions listed above, shall constitute a violation of this code and be punishable by the penalties contained in section 6-2.

**Secs. 6-10—6-36. - Reserved.**

**ARTICLE II. - RABIES CONTROL**

**FOOTNOTE(S):**

--- (2) ---

State Law reference— Control of contagious diseases, A.C.A. § 2-40-101 et seq.; Rabies Control Act, A.C.A. § 20-19-301 et seq.; vaccination defined, A.C.A. § 20-19-302.

**Sec. 6-37. - Rabies vaccination required.**

(a) Every dog and/or cat owner shall procure a rabies vaccination by a licensed veterinarian upon the dog and/or cat attaining the age of three months and at intervals not later than the expiration date on the vaccination certificate. A certificate shall be issued to the owner by the veterinarian showing the following:

- (1) The veterinarian's name and business address;
- (2) The name and description of the dog and/or cat;
- (3) The date of the vaccination; and
- (4) The expiration date of the rabies vaccination.

(b) Exemptions may be issued by a licensed veterinarian if a rabies vaccination would be detrimental to the health of the dog and/or cat. Tags must be attached to the collar or harness of the dog and/or cat at all times. Every dog and/or cat owner shall show a copy of the vaccination certificate upon the request of an animal control officer or other enforcement

officer.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Similar provisions, A.C.A. §20-19-305.

**Sec. 6-38. - Duty to report rabies suspect.**

- (a) It shall be the duty of the owner, the health department, or the person or agency gaining such information that any domestic animal or person has been bitten or is probably infected with rabies to incarcerate or impound the "biting" animal in the institution of some competent veterinarian within this city or county where the animal shall be held for observation for such period of time as may be reasonably necessary to determine whether the animal is infected with rabies.
- (b) Every veterinarian practicing within the city shall provide the city animal control with a copy of every rabies immunization certificate which is issued to an animal that resides in the City of Rogers.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Illegal acts when person bitten, A.C.A. § 20-19-306.

**Sec. 6-39. - Dog and cat licenses; exemptions.**

- (a) License required. All dogs and all cats over the age of three months shall be licensed yearly within the city.
- (b) Annual fee. Applicants shall pay an annual fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.
- (c) Application for license. Application for a license must be made within 30 days after obtaining a dog or cat over three months of age, or within 30 days after the dog or cat is three months of age, or within 30 days of the owner or person in control establishing residence in the city.
- (d) Period of validity. The license shall be valid for a period of one year from the date of its issuance and shall run concurrent with the rabies vaccination.
- (e) Disabled. Dogs being raised, trained, and used to aid disabled persons shall be licensed without a fee while so owned and used, but shall not be exempt from registration or from any required vaccinations.
- (f) Law enforcement. Dogs used by any governmental agency for law enforcement purposes shall be licensed without fee but shall not be exempt from registration or from any required vaccinations. Verification of their status as a law enforcement dog shall be presented upon request.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-40—6-66. - Reserved.**

**ARTICLE III. - ANIMAL BITES**

**Sec. 6-67. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any animal, including dogs and cats, which may be affected by rabies.

Cat(s) means all members of the feline family.

Dog(s) means all members of the canine family.

Appropriate incubation period means:

1. At least 10 days for dogs and cats; or
2. The known incubation period scientifically established and authorized by a licensed veterinarian for all other animals.

Has Been Bitten means has been seized with teeth or jaws so that the skin of the person or thing seized has been nipped or gripped, or has been wounded, or pierced and includes contact of saliva with any break or abrasion of the skin.

Owner means any person having a right of property in a dog or other animal or who keeps or harbors a dog or other animal, has it in his care, acts as its custodian or knowingly permits it to remain on or about any premises occupied by him.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Power of political subdivisions not limited- Applicability, A.C.A. § 20-19-302

**Sec. 6-68. - Notification of police.**

Any person who has been bitten by an animal, the family of such person, the treating physician, or a veterinarian that has knowledge of a person bitten by an animal shall immediately notify the City of Rogers Police Department or Rogers Animal Services.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-69. - Procedure after biting incident.**

If a person is bitten by an animal, the following action shall be taken:

- (1) An animal that has bitten a person and whose owner cannot be immediately identified and cannot be confirmed to have current immunization for rabies may be, at the discretion of the Director of Rogers Animal Services delivered to a licensed veterinarian for euthanasia. The animal's head shall then be delivered to an appropriate laboratory to determine if the animal was rabid.
- (2) If the owner can be identified, the animal will be delivered to a licensed veterinarian or approved detention facility for confinement and observation for the appropriate incubation period at the owner's expense; provided, however; that in the discretion of the Director of Rogers Animal Services an animal may be kept in home quarantine under the following conditions:
  - a. The owner of any animal in home quarantine must prepare and keep the animal confined for the appropriate incubation period within an approved building or secure enclosure.
  - b. The animal shall not be released from quarantine until after the appropriate incubation period has lapsed from the date of bite.
  - c. The animal at no time shall be allowed access outside of the approved enclosure,

nor contact with other animals or humans during the appropriate incubation quarantine.

- d. The owner shall be allowed contact with the quarantined animal only for the purpose of feeding and watering.
  - e. Any violations of this section shall result in the animal being removed from home quarantine at the sole discretion of the Director of Rogers Animal Services.
- (3) If the owner or other person having the care, custody, or control over the animal shall fail or refuse to deliver it to a licensed veterinarian or approved detention facility, within 24 hours of the reported bite, or make arrangements and keep the animal in home quarantine as stated in subsection (2) of this section, the animal control officer shall take the animal into his custody and deliver it immediately to a licensed veterinarian or approved detention facility for confinement and observation as aforesaid at the owner's expense. Noncompliance with this section constitutes a violation of this code and may be subject to the penalty provisions contained in section 6-2 (a).

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Confinement of animal when person bitten, A.C.A. § 20-19-307

**Sec. 6-70. - Return of nonrabid animal to owner.**

If an animal confined under this article does not develop rabies, it shall be returned to the person from whose custody it was taken, upon their payment of the veterinarian's fee, if applicable, for the observation and care.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Confinement of animal when person bitten, A.C.A. § 20-19-307

**Sec. 6-71. - Notice of rabid animal.**

If an animal in confinement under this article develops rabies, the person bitten by it and the county health department shall be notified immediately by the licensed veterinarian who made the finding of the rabid condition of the animal.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Illegal acts when a person bitten, A.C.A. § 20-19-306

**Secs. 6-72—6-100. - Reserved.**

**ARTICLE IV. - DOGS AND CATS**

**FOOTNOTE(S):**

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State Law reference— Authority of city to prevent the running at large of dogs, A.C.A. § 14-54-1102; animals generally, A.C.A. § 20-19-102 et seq.

**DIVISION 1. - GENERALLY**

**Sec. 6-101. - Confinement.**

- (a) An owner of a dog, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such dog within an adequate fence, enclosure, or within a house, garage, or other building, or shall confine such dog by chain or leash affixed to the dog's collar and attached to some substantial stationary object adequate to prevent the dog from running at large. It



shall further be the duty of any owner or keeper of any dog to keep the dog under such control so as to:

- (1) Prevent the dog from becoming a danger to persons or property or trespassing upon another person's property.
- (2) Prevent the dog from running at large upon the streets, sidewalks, alleys, parks, or other public places in the city.
- (b) An owner of a vicious animal shall confine it within a building or secure enclosure and not release it therefrom unless it is securely muzzled. Any vicious animal trespassing or running at large is hereby declared a nuisance and may be impounded pursuant to the provisions of this chapter or ordered confined by Rogers Animal Services.
- (c) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, in a veterinary clinic or hospital or in a kennel in such a manner that such female dog or cat cannot come into contact with another dog or cat except for intentional breeding purposes.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-102. - Maintenance of premises; prevention of disturbing noises.**

An owner of an animal shall maintain his premises in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Pens in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of the premises, and the animals themselves shall be restrained in such a fashion that noise emanating therefrom shall not be disturbing to such persons.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-103. - Sale of.**

- (a) No person shall sell, or offer for sale, any puppy, dog, kitten, cat, or any other domestic pet within the city limits without first complying with any and all terms and conditions contained in this section.
- (b) Any person who offers for sale any puppy, dog, kitten, cat, or any domestic pet (hereinafter "seller") shall first obtain a city business license and/or peddler's license as determined by the city clerk.
- (c) No seller shall sell, or offer for sale, any puppy, dog, kitten, cat or any domestic pet upon the property of another without first obtaining written permission from the owner of said property. Said written permission shall be maintained by the seller and produced upon request of any law enforcement or animal control officer.
- (d) Prior to obtaining a permit any seller shall provide in writing to the city clerk the following information:
  - (1) The name, address, and telephone number of the seller;
  - (2) The location of each housing facility for animals owned by the seller;
  - (3) The state agent of service for the seller if said seller is not a resident of the state.
- (e) Any seller shall provide the purchaser of any animal at the time of the sale of said animal a written statement of consumer rights, signed by the seller, which shall contain the following information and be substantially in the following form:

- (1) If, within ten days following the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to illness, a congenital malformation which adversely affects the health of the animal or the presence of symptoms of a contagious or infectious disease, the seller, in addition to any other warranty, shall afford the consumer the right to retain the animal and to receive reimbursement from the seller for veterinary services from a licensed veterinarian of the consumer's choosing, for the purposes of curing or attempting to cure the animal.
- (2) The reasonable value of reimbursable services rendered to cure or attempt to cure the animal shall not exceed the purchase price of the animal.
- (3) The reimbursement shall not include the cost of initial veterinary examination fees and diagnostic fees not directly related to the veterinarian's certificate that the animal is unfit for purchase pursuant to this section.
- (f) The certification that an animal is unfit for purchase, which shall be provided by an examining veterinarian to a consumer upon the examination of an animal subject to the provisions of this section, shall include, but not be limited to, information which identifies the type of animal; its breed, sex, and color; the owner; the date; the diagnosis of the animal; the treatment recommended, if any; and an estimate or the actual cost of such treatment.
- (g) The reimbursement required by subsection (e) of this section shall be made by the seller not later than ten business days following receipt of a signed veterinary certification as herein required.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-104. - Outdoor cats.**

- (a) Any owned cat that is allowed to roam free outdoors must be spayed or neutered by the owner of the free roaming cat.
- (b) Any owned free roaming cat shall:
  - (1) Be vaccinated for rabies;
  - (2) Have a city license;
  - (3) Be microchipped by the owner;
  - (4) Not be allowed to become a nuisance.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

Secs. 6-105—6-121. - Reserved.

**DIVISION 2. - RUNNING AT LARGE; IMPOUNDMENT**

**Sec. 6-122. - Running at large prohibited.**

It shall be unlawful for the owner of any dog, or for any person having charge of any dog, to allow or to permit such dog to run at large within the corporate limits of the city at any time.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Dogs running at large, A.C.A. § 14-54-1102.

**Sec. 6-123. - Presumption.**

Any dog found running at large shall be presumed to have been allowed or permitted to do so by the owner or person having charge of the dog.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-124. - Prosecutions.**

If Rogers Animal Services should find a dog running at large, and if any such dog should flee to the premises of its owner or the person having control of the dog, Rogers Animal Services is hereby authorized and empowered to summon the owner or person having control of the dog into court for allowing the dog to run at large.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-125. - Designation of animal shelter.**

The Mayor and the Director of Rogers Animal Services are hereby authorized to contract for the disposition of captured stray dogs with a privately operated facility, upon such terms and provisions as the city council may prescribe, without advertising for bids therefor.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Purchases and contracts generally, A.C.A. § 14-58-303

**Sec. 6-126. - Impounding authorized.**

Rogers Animal Services shall take into custody any dog that may be found running at large within the city in violation of the provisions of this article and place the dog in the Rogers Animal Shelter.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-127. - Notice to owner.**

Whenever any dog which has been delivered to the Rogers Animal Shelter by Rogers Animal Services has a collar or other form of identification showing the name and address of the owner or person in charge of the dog, Rogers Animal Services shall notify the owner thereof, if such person can be found, that the animal has been taken up and delivered to the Rogers Animal Shelter and that the animal shall become the property of the Rogers Animal Shelter within six days of its impoundment, unless the animal is collected and the fee, together with such other costs as may be applicable, is paid within such time. Such notice shall be sent to the owner, if known, by US certified mail, return receipt requested and in compliance with the requirements of A.C.A. § 14-54-1102.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Notice to owner of impounded dog, A.C.A. § 14-54-1102.

**Sec. 6-128. - Redemption of impounded dogs.**

- (a) The owner or person in charge of any dog impounded under this division may, within the six days provided for, redeem or claim the dog and have the dog delivered to him upon the payment of the cost of such taking up, which is ascertained and declared to be as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time, together with the cost of the notice and any fines for violation of the provisions of this division which may be applicable. Such amount shall be paid to Rogers Animal Services.

- (b) Microchipping of animals that are impounded in the Rogers Animal Shelter or are taken into custody by Rogers Animal Services.

(1) Any animal that is in custody/care of Rogers Animal Services will be implanted with a microchip upon reclaim/return of the animal. Cost of the microchip will be in accordance with the fee schedule listed in appendix B to this Code, in addition to any other incurred costs.

- (c) Surrender of owned pet.

(1) Rogers Animal Services is not obligated to take owned animals unless it is court ordered.

(2) All owner surrenders must be approved by the Rogers Animal Shelter manager.

(3) All pets approved for surrender must be up to date on rabies vaccines (dogs and cats), parvo, and distemper vaccines (dogs), and FVRCP (cats).

(4) All pets approved for surrender must be spayed or neutered before they are put into custody of Rogers Animal Services.

- (d) Surrendering of owned animals. If a resident of the city desires to surrender an animal (pet), a fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time, must be paid upon delivery of said animal to the city animal shelter. In addition, prior to the delivery of an animal for surrender, a time for delivery must be obtained from the manager of the Rogers Animal Shelter.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Similar provisions, A.C.A. § 14-54-1102.

#### **Sec. 6-129. - Unredeemed dogs.**

After the expiration of six days after any dog has been impounded, the dog shall become the property of the city animal shelter, to be disposed of at its discretion, by death or by adoption.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Authority for destruction of dogs, A.C.A. § 14-54-1102.

#### **Sec. 6-130. - Impoundment of cats and other animals.**

- (a) Any cat at large and without a current rabies tag and current city license attached, or any cat or other animal otherwise in violation of the provisions of this chapter, may be impounded in the Rogers Animal Shelter in a humane manner for a period of not less than six days; and if within such time an animal so impounded has not been reclaimed by its owner in accordance with the provisions of this chapter, the animal shall become the absolute property of Rogers Animal Services, which may convey ownership of the animal, or may humanely destroy the animal.

- (b) Notwithstanding any provisions of this Code to the contrary, Rogers Animal Services may humanely destroy any animal impounded in the Rogers Animal Shelter when Rogers Animal Services reasonably believes the animal has sustained an injury or disease which will likely result in maiming, prolonged and severe suffering, or death.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

#### **Sec. 6-131. - Reclaiming impounded animals.**

- (a) The owner of an animal impounded in the Rogers Animal Shelter may reclaim the animal upon presenting evidence satisfactory to Rogers Animal Services of compliance with all provisions of this chapter, and upon payment of fees and charges as hereinafter provided,

credited to the account of Rogers Animal Services, and shall not be in lieu of any fine or penalty otherwise provided by law.

- 1) Any animal that is in custody/care of Rogers Animal Services will be implanted with a microchip upon reclamation of the animal. Cost of the microchip will be in accordance with the fee schedule listed in appendix B to this Code.
- (b) Fees for reclaiming impounded animals are as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.
- (c) The owner of an animal impounded in the Rogers Animal Shelter shall be liable for the foregoing fees and charges, notwithstanding the destruction or adoption of the animal.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-132—6-160. - Reserved.**

**DIVISION 3. - VICIOUS DOGS**

**Sec. 6-161. - Prohibited conduct.**

- (a) No person shall keep, harbor, or possess a vicious dog within the corporate limits of the city. In addition, no person shall possess, harbor, or maintain care or custody of any dog for the purpose of dogfighting, or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.
- (b) The term "vicious dog" is defined as follows:
  - (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
  - (2) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
  - (3) Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.
- (c) Exemptions. The following dogs shall be specifically exempted from the provisions of this section:
  - (1) Police and other public safety dogs;
  - (2) Security dogs acting as such in the performance of the protection of private property and persons;
  - (3) Service dogs acting in the performance of duties for which they were trained.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-162. - Penalty.**

Any person who violates any provision of this division shall be guilty of a violation of this code. In addition thereto, upon conviction, the owner or possessor of the vicious dog shall within 30 days, euthanize said animal or permanently remove the animal from the corporate limits of the city. If after the expiration of 30 days, said animal has not been removed from the city or euthanized, the Director of Rogers Animal Services may seize said animal, and if seized, shall euthanize it.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-163—6-194. - Reserved.**

**DIVISION 4. - ANIMAL ESTABLISHMENTS**

**Sec. 6-195. - Private breeder; permit required.**

- (a) Any household that has two or more unaltered pets, one male and one female, of the same species, shall be required to obtain an annual breeder's permit from Rogers Animal Services. The cost of a breeder's permit shall be in accordance with the fee schedule listed in appendix B to this Code. This permit includes the fee for annual city pet license.
- (b) No breeder's permit will be required if all animals in the home have already been spayed or neutered.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-196—6-200. - Reserved.****Sec. 6-201. - Private breeder standards.**

All private breeders shall, in addition to the other requirements of this Code, comply with the minimum standards of this section. Standards for private breeders are as follows:

- (1) No person shall operate a private breeding facility without first obtaining an annual license from Rogers Animal Services. Licenses shall be based upon calendar years. Application for renewal of a license shall be made between 30 days prior to and 60 days following January 1 of each year.
- (2) Upon receipt of a completed application, Rogers Animal Services shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the private breeding facility is in compliance with all provisions of this Code.
- (3) Upon receiving a complaint concerning a private breeding facility, Rogers Animal Services may make an inspection of the facility to ensure that the facility is in compliance with all provisions of this Code.
- (4) All animals shall have adequate space for proper shelter against weather extremes and for proper exercise.
- (5) All kennel areas shall be maintained in such a manner as not to constitute either a private nuisance to adjoining property owners or a nuisance to the public generally. Kennel areas in which animals are confined or maintained shall be cleaned regularly so that they are kept free from offensive odors which would disturb any person residing within a reasonable distance of the premises, and the animals themselves shall be restrained in such a fashion so that noise emanating therefrom shall not be disturbing to such persons.
- (6) Proper food of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of animals shall be provided.
- (7) Fresh water shall be available at all times.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-202. - Commercial animal business.**

Commercial animal businesses shall be required to follow any and all state regulations. The business shall follow all city ordinances with respect to zoning, building codes, and business license requirements.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-203—6-227. - Reserved.**  
**ARTICLE V. - FOWL**

**FOOTNOTE(S):**

--- (4) ---

State Law reference— Livestock and poultry commission, A.C.A. § 2-33-101 et seq.

**Sec. 6-228. - Keeping poultry generally.**

All poultry within the corporate limits of the city shall be maintained in suitable houses, pens, or other enclosures by the owner or person having responsibility for the care and maintenance of the poultry.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-229. - Maintenance of poultry houses.**

Every poultry house maintained within the city shall be kept in a clean, sanitary condition.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-230. - Running at large.**

- (a) It shall be unlawful for any person to permit or allow any domesticated fowl to run at large within the corporate limits of the city. It shall be lawful to keep poultry flocks of any size in A-1 zones of the city, so long as they are confined.
- (b) It shall be lawful for any person to keep, permit, or allow any fowl within the corporate limits of the city in all zones other than A-1, under the following terms and conditions:
  - (1) No more than four hens shall be allowed for each single-family dwelling. No birds shall be allowed in multifamily complexes, including duplexes.
  - (2) No roosters shall be allowed.
  - (3) There shall be no outside slaughtering of birds.
  - (4) All fowl must be kept at all times in a secure enclosure. Secure enclosure shall include a self-contained coop and/or within a fenced in yard. A fenced in yard shall only suffice as an enclosure, if said fence is constructed from a solid non permeable material built with either solid wood, metal, or plastic components.
  - (5) Coops must be situated at least 25 feet from the nearest neighbor's residence.
  - (6) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
  - (7) Persons wishing to keep fowl within the city must obtain a permit from Rogers Animal Services. An inspection will be scheduled by Rogers Animal Services and if approved, the permit holder must pay an annual fee as currently established and found in appendix B to this Code.
- (c) Subsection (b) of this section is not intended to apply to the ducks and geese in Lake Atalanta Park, nor to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to poultry kept in areas of the city which are zoned A-1.
- (d) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after

the effective date of the ordinance from which this article is derived.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Domestic fowl running at large, A.C.A. § 5-62-122.

**Secs. 6-231—6-253. - Reserved.**

# ARTICLE VI. - LIVESTOCK

## FOOTNOTE(S):

--- (5) ---

State Law reference— Livestock, A.C.A. § 2-38-101 et seq.

## DIVISION 1. - GENERALLY

### **Sec. 6-254. - Restrictions on tying.**

(a) No person shall tie any horse, mule, ass, jennet, cattle, sheep, or goat, hereafter “stock animal”, in such a manner that such animal may go upon the private property of another without the property owner's consent, or upon the streets, sidewalks, and other ways of the city.

(b) Such stock animal may be otherwise tied with a rope or strap not exceeding six feet in length.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

### **Sec. 6-255. - Accumulations of manure.**

(a) No person owning or renting stables or keeping horses or other animals within the city shall permit manure to accumulate upon the premises.

(b) Manure may be kept in dry bins, completely closed and protected against flies.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

### **Sec. 6-256. - Keeping hogs.**

No person shall keep hogs within the city.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Authority of city to prevent and abate nuisances, A.C.A. § 14-54-104.

**Secs. 6-257—6-275. - Reserved.**

## DIVISION 2. - RUNNING AT LARGE; IMPOUNDMENT

### **Sec. 6-276. - Running at large.**

No Stock Animal shall be permitted to run at large within the city.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Similar provisions, A.C.A. §§ 5-62-122, 14-54-1101.

### **Sec. 6-277. - Impoundment authorized.**



Rogers Animal Services shall immediately take charge of any stock animal found running at large within the city, and securely impound the animal and safely keep it until disposed of as provided in this division.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Impounding stock, A.C.A. § 14-54-1101.

**Sec. 6-278. - Notice to owner.**

- (a) When any stock animal is impounded, Rogers Animal Services shall forthwith notify the owner, if he is known or can be ascertained. The owner shall claim the stock animal within 24 hours after notification.
- (b) If the owner of the stock animal is unknown, then the Director of Rogers Animal Services shall post written notice in at least three (3) places in the City of Rogers, and by notice in some newspaper in the city. This notice shall give a description of the animal, set out therein the marks, brands, and flesh marks of the stock animal so impounded, and call upon the owner of the animal to prove his ownership or interest therein to such person or officer having it in his possession or custody, within ten (10) days after the publication of the notice. Upon proof being made to the satisfaction of the person or officer and the payment of actual expenses incurred in the taking care of the animal. The person or officer having it in his possession shall at once deliver the animal to the owner.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

State Law reference— Similar provisions, A.C.A. § 14-54-1101.

**Sec. 6-279. - Fees.**

For impounding, feeding, and caring for any impounded stock animal, Rogers Animal Services shall be entitled to and receive the fees as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-280. - Disposition of unredeemed stock animals.**

- (a) If the owner of an impounded stock animal shall fail to appear and prove ownership of the stock animal and pay all charges within ten days after publication of notice, the stock animal shall become the property of the Rogers Animal Shelter. The Director of the Rogers Animal Shelter shall be authorized to dispose of said stock animal either by euthanasia, adoption, or sale at public auction.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Secs. 6-281—6-308. - Reserved.**

**ARTICLE VII. - CRUEL TREATMENT**

**FOOTNOTE(S):**

--- (6) ---

State Law reference— Cruelty to animals, A.C.A. § 14-54-103(7).

**Sec. 6-309. - Prohibited treatment.**

It shall be unlawful for any person to:

- (1) Overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry or confine in a vehicle in an inhumane manner, or otherwise mistreat any animal.
- (2) Fail to provide any animal with proper food, drink, protection from the weather and veterinary care.
- (3) Abandon any animal.
- (4) Intentionally poison any animal.
- (5) Allow or promote any fight between animals, or allow or permit any such fight in or upon any premises in his possession or under his control.
- (6) Allow an animal to be kept in unsanitary conditions.
- (7) Keep or confine an animal in any manner, other than a humane manner which is in accordance with the standards of the community.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)

**Sec. 6-310. - Abuse of public safety animals prohibited.**

It shall be a violation of this code for any person to willfully strike, kick, beat, torment, torture, injure, kill or harass any dog used by any public safety agency in the performance of any departmental functions or duties.

(Ord. No. 13-67, § 1(Att.), 8-13-2013)